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UMG RECORDINGS, INC.; ARISTA
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LLC; ZOMBA RECORDING LLC;
CAPITOL RECORDS, INC.; SONY BMG
MUSIC ENTERTAINMENT; and BMG
MUSIC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UMG RECORDINGS, INC., a Delaware
corporation; ARISTA RECORDS LLC, a
Delaware limited liability company; LAFACE
RECORDS LLC, a Delaware limited liability
company; ZOMBA RECORDING LLC, a
Delaware limited liability company; CAPITOL
RECORDS, INC., a Delaware corporation;
SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership; and BMG
MUSIC, a New York general partnership,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. 3:08-CV-01192-WHA

Honorable William H. Alsup

**DECLARATION OF MATTHEW
FRANKLIN JAKSA**

Date of Initial CMC: June 5, 2008
Time: 3:00 p.m.
Courtroom: 9
Action Filed: February 28, 2007

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DECLARATION OF MATTHEW FRANKLIN JAKSA

I, Matthew Franklin Jaks, declare:

1. I am an associate in the law firm of Holme Roberts & Owen LLP ("HRO"). HRO serves as national counsel for Plaintiffs in this and all similar actions. I have personal knowledge of all facts set forth in this declaration, except as where stated on information and belief. As to such facts, I believe them to be true.

2. Filed herewith is Plaintiffs' separate Case Management Statement. For the reasons set forth below, Plaintiffs have been unable to meet and confer with Defendant and prepare a joint case management statement as ordinarily required by Local Rule 16-9(a).

3. Plaintiffs filed the Complaint for Copyright Infringement against Defendant John Doe ("Defendant") on February 28, 2008. Plaintiffs did not have sufficient identifying information to name the Defendant individually in the Complaint, but were able to identify Defendant by the Internet Protocol address assigned by Defendant's Internet Service Provider ("ISP").

4. In order to determine Defendant's true identity, Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery on February 28, 2008, seeking the Court's permission to serve a Rule 45 subpoena on the ISP. The Court entered an Order for Leave to Take Immediate Discovery on March 5, 2008, granting Plaintiffs' request to serve a Rule 45 subpoena on the ISP seeking identifying information including Defendant's true name, address, telephone number, e-mail address, and Media Access Control ("MAC") address.

5. Plaintiffs served their subpoena on the ISP on March 27, 2008. Plaintiffs anticipate that the ISP will respond to the subpoena on May 29, 2008, the date of this filing.

6. Because Plaintiffs were not aware of Defendant's true identity, they have been unable to name Defendant individually in the Complaint and effectuate service of process. Accordingly, Defendant has not yet been served with process or appeared in this action, and Plaintiffs were unable to meet and confer with Defendant regarding the subjects covered in the Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed this 29th day of May, 2008, at San Francisco, California.

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